

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JORGE ALBERTO LOYOLA LUGO,

Plaintiff,

Civil Action No. 20-11324

v.

HONORABLE DENISE PAGE HOOD

VPH MOTOR CORP. d/b/a
TRIANGLE CHRYSLER FIAT
DE PONCE and JOHN DOE,

Defendants.

_____ /

**ORDER GRANTING APPLICATION TO
PROCEED WITHOUT PREPAYING FEES,
TRANSFERRING THIS ACTION TO THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO
AND CLOSING ACTION**

This matter is before the Court on Plaintiff Jorge Alberto Loyola Lugo's Application to Proceed Without Prepaying Fees. Plaintiff filed a Complaint against Defendants VPH Motor Corp. d/b/a Triangle Chrysler Fiat de Ponce, John Doe, Ledo. Lloyd Isgut Rivera and Jorge Alberto Loyola Lugo. According to the Complaint, Plaintiff and all the named-Defendants are residents of Puerto Rico. Plaintiff alleges violations of the Civil Rights Act of 1964, 42 U.S.C. 2000e, Employment Act of 1967, the Equal Employment Opportunity Act and his Constitutional Rights.

A review of the application supports Plaintiff's claim of pauper status. The

Court grants Plaintiff *in forma pauperis* status to proceed without prepayment of the filing fee for this action. However, the Court finds the Eastern District of Michigan is not the proper venue for this action. Venue is proper “only in the judicial district where all defendants reside, or in which the claim arose ...” 28 U.S.C. § 1391(b). A complaint filed in the wrong division or district court is properly dismissed without prejudice to plaintiff’s right to refile the complaint in the proper district court, or, if it be in the interest of justice, transfer such case to any district or division in which it could have been brought. *See* 28 U.S.C. § 1406(a); *Rodman v. Seiter*, 1989 WL 111620 *1, Case No. 89-3122 (6th Cir. Sept. 28, 1989).

Plaintiff asserts he currently resides in Puerto Rico. The Complaint alleges all the named-Defendants also reside in Puerto Rico and that the wrongful acts alleged occurred in Puerto Rico. The Court transfers the case to the District of Puerto Rico, finding that the interest of justice so requires.

The Court is aware that Plaintiff is proceeding *pro se*. Federal courts hold the *pro se* complaint to a “less stringent standard” than those drafted by attorneys. *Haines v. Kerner*, 404 U.S. 519 (1972). However, *pro se* litigants are not excused from failing to follow basic procedural requirements. *Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991); *Brock v. Hendershott*, 840 F.2d 339, 343 (6th Cir. 1988). Plaintiff is required to follow the rules governing the venue of where his action should proceed.

As noted above, the Eastern District of Michigan is not the proper venue for this action.

For the reasons set forth above,

IT IS ORDERED that Plaintiff Jorge Alberto Loyola Lugo's Application to Proceed Without Prepaying Fees or Costs (**ECF No. 2**) is GRANTED.

IT IS FURTHER ORDERED that the action is TRANSFERRED to the United States District Court for the District of Puerto Rico and this action is designated as CLOSED on the docket.

IT IS FURTHER ORDERED that any appeal from this Court's Order is frivolous and not taken in good faith. 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962), *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997).

s/Denise Page Hood

DENISE PAGE HOOD

Chief Judge

United States District Court

DATED: June 29, 2021